

The Honorable Lauren King

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

N.D., et al.,

Plaintiffs,

v.

CHRIS REYKDAL, et al.,

Defendants.

NO. 2:22-cv-01621-LK

THIRD DECLARATION OF  
DR. TANIA MAY

I, Dr. Tania May, declare as follows:

1. I am over the age of 18, am competent to testify on matters contained in this Declaration, and make this Declaration based on my own personal knowledge.

2. I am the Assistant Superintendent of Special Education. I lead the Special Education division for the Office of Superintendent of Public Instruction (OSPI). As part of my role, I am familiar with reporting that OSPI has received from local educational agencies (LEAs) regarding their provision of individualized notice to potential class members and the responses LEAs have received from potential class members.

3. On or before November 26, 2024, OSPI directed all LEAs in Washington to provide individualized notice to all class members on the approved template (Dkt. No. 92-1, Ex. A) by December 6, 2024. Exit code data (RMA and D2) since November 11, 2020, showed up to 346 students as potential class members.

1           4. As part of its supervision of LEAs, OSPI required school districts to confirm that  
 2 they had provided all individualized notices as ordered by the Court. When a school district was  
 3 late in providing notices, OSPI followed up until they confirmed compliance. According to the  
 4 reporting OSPI received from LEAs:

- 5           • As of December 6, 2024, LEAs had provided individualized notice to 218 students.
- 6           • By December 20, 2024, LEAs had provided individualized notice to an additional 67  
 7 students, totaling 285 students.
- 8           • By January 31, 2025, LEAs had provided notice to the remaining 13 students, totaling  
 9 298 students.

10 LEAs sent notices by mail and, where available, by email.

11           5. On February 14, 2025, OSPI obtained reporting from LEAs indicating the  
 12 following responses to the notices provided:

- 13           • 23 individuals have responded to decline any offer of compensatory education.
- 14           • 43 individuals continue to be served in school, with no break in services (they did not  
 15 require a notification letter, as their exit codes were changed back to enrolled).
- 16           • 14 individuals have requested an IEP meeting to discuss compensatory education.
- 17           • 218 individuals have not responded.

18           6. In addition, OSPI obtained reporting from LEAs indicating that certain  
 19 individuals were not potential class members and therefore did not receive individualized notice  
 20 from LEAs:

- 21           • 46 individuals had received a regular high school diploma. They either (a) continued to  
 22 receive special education services after the initial assignment of an exit code (in  
 23 accordance with OSPI's instructions that LEAs must continue providing special  
 24 education services until age 22) and proceeded to receive a regular high school diploma,  
 25 or (b) had been erroneously assigned an exit code of D2 or RMA (the correct exit code  
 26 for graduating with a regular high school diploma is G0).

- 2 individuals had exited from special education and were determined ineligible for reasons other than age, such as their family's revocation of consent to special education, and therefore did not receive individualized notice.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 18th day of February 2025 at Olympia, Washington.

  
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/s/  
DR. TANIA MAY

**CERTIFICATE OF SERVICE**

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will serve a copy of this document upon all counsel of record.

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*Counsel for Plaintiffs*

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 18th day of February 2025 at Seattle, Washington.

/s/ Brian H. Rowe  
BRIAN H. ROWE, WSBA #56817  
Assistant Attorney General